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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,277	09/30/1999	DONALD P. PAZEL	YO9-99-302	5131

30743 7590 09/03/2003

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EXAMINER

OPIE, GEORGE L

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/409,277

Examiner

George L. Opie

Applicant(s)

Pazel et al.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
  2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
  3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

### Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)                      17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      18) ☐ Notice of Informal Patent Application (PTO-152)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      19) ☒ Other: Text Docs for USP6,014,138 USP5,913,063

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**DETAILED ACTION**

1. Request for copy of Applicant's response on floppy disk:  
Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk. Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory, however, it will help expedite the processing of your application. Your cooperation is appreciated.
2. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*. Consistent with Office procedure, the U.S. Patents corresponding to the *text documents* are also included with this action.
3. Claim Rejections - 35 U.S.C. § 103  
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cain et al. (U.S. Patent 6,014,138) in view of McGurrian et al. (U.S. Patent 5,913,063).

As to claim 1, Cain teaches a computer implemented method of visual representation of programming objects as graphical elements (object-based visual programming, p4 10-27) wherein programming properties of programming objects are reflected through graphical properties of graphical elements (displaying an icon for a corresponding object type, p21 54 – p22 5) the method comprising the steps of:

detecting a change in a state of a data element representing a programming object in visual representation and shown visually on a display device (object 615 . . . dragging it from one container to another, p19 3-20)

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determining graphical aspect changes that apply to graphical elements of the programming object appropriate for the change in state (object 615 inherits by context the "flash" method for its container, Id.).

Cain does not explicitly disclose the additional limitations detailed below.

McGurrin ( p11 28 – p12 47) teaches applying the graphical aspect changes to corresponding graphical elements (refresh the currently-displayed visual representations of object classes when a property is changed) wherein the graphical aspect changes include changes in color, position and size (operation of causing changes to be visually reflected in ... height ... and color attribute). It would have been obvious to combine McGurrin's teachings with Cain because the displaying of object features would clearly convey the object properties to assist the user in visual program comprehension/construction.

Kojima has database of objects

As to claim 2, McGurrin (p12 3-17) teaches traversing a list of graphical aspect references to acquire a graphic aspect for the data element and determining whether the graphic aspect applies to the change in state.

As to claim 3, Cain (p4 10-27 and p6 15-17) teaches the programming object logically contained in another object.

As to claims 4-5, Cain teaches more than one visual representation may be used for the programming object (by simply draggin a copy of object 615 into a new container, the object will have more than one representation, p19 3-20).

As to claims 6-7, McGurrin (p7 20-28) teaches a visual representation of a superclass of the programming object is used as a visual representation for a subclass of the programming object.

As to claim 8, note the rejection of claim 1 above. Claim 8 is the same as claim 1, except claim 8 is an apparatus claim and claim 1 is a method claim.

As to claim 9, note the rejection of claim 1 above. Claim 9 is the same as claim 1, except claim 9 is a computer program product claim and claim 1 is a method claim.

## **5. Contact Information:**

PTO Policy for Facsimile Submissions:

- ☐ AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
- ☐ OFFICIAL faxes must be signed and sent to (703) 746-7239.
- ☐ NON OFFICIAL faxes should be sent to (703) 746-7240.

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All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

- ☐ All responses sent by U.S. Mail should be mailed to:  
**Commissioner for Patents**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**
- ☐ Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.
- ☐ Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.
- ☐ Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (703) 308-9120 or via e-mail at *George.Opie@uspto.gov*. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.

  
**ZARNI MAUNG**  
**PRIMARY EXAMINER**